

19900730

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, JULY 30, 1990
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 2:04 p.m. with Council Members Wolfsheimer, Roberts, Hartley, Pratt, Bernhardt, Henderson, and Filner not present. A quorum was present at 2:05 p.m. with Council Members Wolfsheimer and Roberts not present. Mayor O'Connor adjourned the meeting at 6:18 p.m. to meet in Closed Session on Tuesday, July 31, 1990, at 9:30 a.m. in the 12th floor conference room, to discuss pending litigation.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-excused by R-276415
(vacation)
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Pratt-present
- (5) Council Member Bernhardt-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present
- Clerk-Abdelnour (rb)

FILE LOCATION: MINUTES

Jul-30-1990

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-not present

- (2) Council Member Roberts-not present
- (3) Council Member Hartley-not present
- (4) Council Member Pratt-not present
- (5) Council Member Bernhardt-not present
- (6) Council Member Henderson-not present
- (7) Council Member McCarty-present
- (8) Council Member Filner-not present

Jul-30-1990

ITEM-10: INVOCATION

Invocation was given by Pastor L. Whitmill, Mt. Zion
Progressive Baptist Church.

FILE LOCATION: MINUTES

Jul-30-1990

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member
McCarty.

FILE LOCATION: MINUTES

ITEM-30: (R-91-130) ADOPTED AS RESOLUTION R-276217

Proclaiming August 27 thorough September 3, 1990 to be
"National Job Training Partnership Act (JTPA) Alumni Week"
in San Diego, recognizing and honoring the achievements of
JTPA Alumni, and declaring the support of the City for this
program.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A070-091.)

MOTION BY PRATT TO ADOPT. Second by McCarty. Passed by the
following vote: Wolfsheimer-not present, Roberts-not present,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-50:

Two actions relative to taxation:

(Introduced on 7/17/90. Council voted 5-3. Districts 2, 3, and 6 voted nay. District 8 not present.)

Subitem-A: (O-91-3) ADOPTED AS ORDINANCE O-17505 (New Series)

19900730

Amending Chapter III, Article 1 of the San Diego Municipal Code, relating to Business Taxes, to increase the business tax to \$125 per business plus \$5.00 per employee; and to \$125 per business plus \$5.00 per space.

Subitem-B: (O-91-6) ADOPTED AS ORDINANCE O-17506 (New Series)

Amending Chapter III, Article 1, of the San Diego Municipal Code, relating to Rental Unit Business Taxes, to establish a rental unit tax of \$40 per property plus \$3.00 per unit on all residential property.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A221-369; A416-450.)

MOTION BY PRATT TO DISPENSE WITH THE READING AND ADOPT

SUBITEM-A. Second by McCarty. Passed by the following vote:

Wolfsheimer-not present, Roberts-nay, Hartley-nay, Pratt-yea, Bernhardt-yea, Henderson-nay, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY PRATT TO DISPENSE WITH THE READING AND ADOPT

SUBITEM-B. Second by McCarty. Passed by the following vote:

Wolfsheimer-not present, Roberts-yea, Hartley-nay, Pratt-yea, Bernhardt-yea, Henderson-nay, McCarty-yea, Filner-nay, Mayor O'Connor-yea.

MOTION BY McCARTY TO DIRECT THE CITY MANAGER AND THE CITY ATTORNEY TO REVIEW THE QUESTION OF BUSINESS LICENSE FEE

INCREASES AS IT RELATES TO TAXICAB DRIVERS AND INDEPENDENT SHOE SHINE BUSINESSES AS REQUESTED BY COUNCIL MEMBER PRATT. Second by Bernhardt. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-51: CONTINUED TO SEPTEMBER 17, 1990

Four actions relative to development in the Future

Urbanizing Area:

Subitem-A: (O-90-215)

Amending Chapter X, Article 1, Division 4 of the San Diego Municipal Code, by amending Section 101.0404, relating to the A-1 (Agricultural) Zones, to restrict the permitted density of residential development and eliminate off-street parking requirements within the Future Urbanizing area; to restrict the pattern of residential development in the A-1 zones City-wide; to delete churches as a use permitted by right in the A-1 zones city-wide; and to create A-1-20 and A-1-40 Zones.

(Introduced on 7/17/90. Council voted 5-3. Districts 2, 4, and 7 voted nay. Mayor not present.)

Subitem-B: (O-90-217)

Amending Chapter X, Article 1, Division 9 of the San Diego Municipal Code, by amending Section 101.0901, relating to Planned Residential Developments, to restrict the permitted density of residential development within the Future Urbanizing area; to restrict the pattern of residential development within the Future Urbanizing area and in the A-1 zones city-wide; and to clarify limitations on accessory uses city-wide.

(Introduced on 7/17/90. Council voted 5-3. Districts 2, 4 and 7 voted nay. Mayor not present.)

Subitem-C: (O-90-219)

Amending Chapter X, Article 1, Division 5 of the San Diego Municipal Code, by amending Section 101.0510, relating to Conditional Use Permits, to restrict the types of land uses which may be permitted within the Future Urbanizing area; to limit certain other conditional uses city-wide; to clarify limitations on incidental facilities city-wide; and to designate the City Council as the decision-making body

for permitting of specified uses.

(Introduced as amended on 7/17/90. Council voted 5-3.

Districts 2, 4 and 7 voted nay. Mayor not present.)

Subitem-D: (O-90-221)

Amending Chapter X, Article 1, Division 4 of the San Diego Municipal Code, by amending Section 101.0403, relating to the FW (Floodway) Zone, to restrict the types of conditional uses which may be permitted within the Future

Urbanizing area; and to clarify limitations on incidental facilities city-wide.

(Introduced on 7/17/90. Council voted 5-3. Districts 2, 4, and 7 voted nay. Mayor not present.)

FILE LOCATION:

COUNCIL ACTION: (Tape location: A092-154.)

MOTION HENDERSON_TO_CONTINUE TO SEPTEMBER 17, 1990, FOR COUNCIL MEMBER WOLFSHEIMER'S PRESENCE. Second by McCarty. Passed by the following vote: Wolfsheimer-not present, Roberts-nay, Hartley-yea, Pratt-yea, Bernhardt-nay, Henderson-yea, McCarty-yea, Filner-nay, Mayor O'Connor-yea.

* ITEM-100:

Two actions relative to the Improvement of Project First Class Alley and Sewer Main Replacement - Contract No. 5: (Southeast San Diego Community Area. District-4.)

Subitem-A: (R-91-77) ADOPTED AS RESOLUTION R-276218

Awarding a contract to T. B. Penick & Sons for the Improvement of Project First Class Alley and Sewer Main Replacement - Contract No. 5.

Subitem-B: (R-91-79) ADOPTED AS RESOLUTION R-276219

Authorizing the expenditure of an amount not to exceed \$105,207.30 from CIP-44-001, Sewer Revenue Fund 41506, for the purpose of providing funds for the improvement of Project First Class Alley and Sewer Main Replacement - Contract No. 5 and related costs.

CITY MANAGER SUPPORTING INFORMATION: The award of the construction of this alley is offered to T. B. Penick & Sons, Inc., the second low bidder. Engicon Corporation, the low bidder, was unable to execute this contract due to the delay inherent with 1911 Act Assessment District final payments.

The second low bid of T.B. Penick & Sons, Inc. is in the amount of \$695,188.75, which is 4.8% higher than the City's estimate of \$663,376. The project improvements consist of grading and paving eight alleys under the CDBG Assessment District Cost Sharing Program. Some of the alleys will have the existing sewer mains replaced under the annual allocation for that purpose because of their deteriorated condition and inadequate capacity. While the overall low bid for the eight alleys as a group was 4.8% above the estimate, bid analysis

indicates that in the Alley Block 6, the costs for alley improvements and sewer exceed the estimate by about 11% and 18% respectively. The owners of property in Alley Block 6 have been noticed of the increase and today's proposed award of contract in accordance with Council Policy 800-3. The cost reduction for the remaining seven alleys averages 14%.

Aud. Cert. 9001046.

WU-E-90-166.

FILE LOCATION: STRT D-2281 CONT FY91-1

COUNCIL ACTION: (Tape location: B115-145.)

CONSENT MOTION BY BERNHARDT TO ADOPT. Second by Filner. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-101: (R-91-35) ADOPTED AS RESOLUTION R-276220

Awarding a contract to Pierce Manufacturing Inc. for the purchase of six 1500 GPM Triple Combination Fire Apparatus, for a total cost of \$1,240,283.38, including tax and terms; authorizing a contingency cost not to exceed \$27,919.73, or 2-1/2% of apparatus cost, for changes as may be necessary during the manufacturing process; authorizing the expenditure of an amount not to exceed \$1,240,283.38 from Fund No. 100, Department No. 120, Object Account No. 6010, Job Order No. 5700, for providing funds for said project and related costs; authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

(BID-D1102/90)

Aud. Cert. 9100084.

FILE LOCATION: CONT - PURCHASE - Pierce Manufacturing Inc.

CONT FY91-1

COUNCIL ACTION: (Tape location: B115-145.)

CONSENT MOTION BY BERNHARDT TO ADOPT. Second by Filner. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-102: (R-91-34) ADOPTED AS RESOLUTION R-276221

19900730

Inviting bids for the Construction of Alvarado Filtration Plant - Joint Laboratory Facility on Work Order No. 170292/180232; authorizing the execution of a contract with the lowest responsible bidder; authorizing the City Manager, if circumstances warrant, to finance or refinance the project with tax exempt securities; authorizing the City Auditor and Comptroller, to transfer \$2,948,518 within the Sewerage Utility Revenue Fund No. 41506, from the Unallocated Reserve (70697), to the Sewer Construction Program (70492), Alvarado Filtration Plant - Joint Laboratory, CIP-46-124.0; authorizing the City Auditor and Comptroller, contingent upon approval of the Water Utilities Fiscal Year 1991 CIP budget, to transfer \$742,262.80 within the Water Revenue Fund No. 41502 from the Unallocated Reserve (70679), to the Water Construction Program (70592), Alvarado Filtration Plant - Joint Laboratory, CIP-73-258.0; authorizing the expenditure of an amount not to exceed \$12,246,751 (\$10,047,038.64 from the Sewerage Utility Revenue Fund No. 41506, Sewer Construction Program (70492), and \$2,199,712.36 from the Water Revenue Fund No. 41502, Water Construction Program (70592), for providing funds for said project and related costs; authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

(BID-K1671/91)

(Navajo Community Area. District-7.)

CITY MANAGER SUPPORTING INFORMATION: This action is the second phase of a two-phase program to construct the Joint

Laboratory Facility at the Alvarado Filtration Plant. The 52,296 square foot Joint Laboratory Facility will provide needed space for the Wastewater Biology, Industrial Waste, Water Production and Wastewater Chemistry laboratories. The award of the Phase I contract, rough grading, was authorized by the City Council on February 13, 1989. Phase I is complete. Aud. Cert. 9100012.

WU-P-90-155.

FILE LOCATION: W.O. 170292/180232 CONT - Blake Construction Co., Inc. CONFY91-1

COUNCIL ACTION: (Tape location: B115-145.)
CONSENT MOTION BY BERNHARDT TO ADOPT. Second by Filner. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-103: (R-91-29) ADOPTED AS RESOLUTION R-276222

19900730

Inviting bids for the Museum of Art - Seismic Ornamentation Reconstruction on Work Order No. 119018; authorizing the execution of a contract with the lowest responsible bidder; authorizing the City Auditor and Comptroller to transfer \$430,000 from Transient Occupancy Tax Fund No. 102242, CIP-21-834.0, to Capital Outlay Fund No. 30245, CIP-37-429.0; authorizing the expenditure of funds not to exceed \$624,000 (\$430,000 from Transient Occupancy Tax Fund No. 102242, CIP-21-834.0, \$194,000 from Capital Outlay Fund No. 30245, CIP-37-249.0), for said project and related costs; authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

(BID-K1669/91)

(Balboa Park Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: The Museum of Art (formerly called the Fine Arts Gallery) was built in 1924 as one of the early permanent structures in Balboa Park's Plaza de

Panama. The massive and intricate four-story cast-stone ornamentation on the main entry facade, and on the large window surrounds and cornice, is anchored to the structure by means of steel rods and tie wires. Mortar-joint failure and water intrusion over several decades have resulted in the anchoring system's gradual and irreversible failure due to extensive corrosion. In the past three years several pieces of cast-stone ornamentation have fallen to the ground in front of the building. Barricades were erected to protect the public from possible injury. Other heavy pieces have since been removed to prevent their falling. The plans and specifications are now complete for restoration of loose or damaged pieces, replication of missing pieces, joint and crack repair, cleaning, water

proofing, and a new anchoring system for the heavy cast stone. The plans have been approved by the Historical Site Board; State of California, Department of Parks and Recreation; (Office of Historic Preservation) and by the U.S. Department of Interior; (National Park Service). The building is on the National Register of Historic Places. The project will extend the useful life of the museum for many years, and will restore the structural integrity and appearance of the beautiful ornamentation. The building is universally admired by tourists, park visitors, and museum patrons. The facade is one of the most photographed subjects in Balboa Park, and is a classic example of the cast stone art form now rarely attempted in modern construction.

Aud. Cert. 9100026.

FILE LOCATION: W.O. 119018 CONT - T. B. Penick & Sons, Inc.
CONT FY91-1

COUNCIL ACTION: (Tape location: B115-145.)

CONSENT MOTION BY BERNHARDT TO ADOPT. Second by Filner. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-104: (R-91-30) ADOPTED AS RESOLUTION R-276223

19900730

Inviting bids for the Rehabilitation of Storm Drains at Caminito Avola, Caminito Rialto, Alcorn Place and Augustana Place on Work Order No. 119348; authorizing the execution of a contract with the lowest responsible bidder; authorizing the expenditure of an amount not to exceed

\$194,000 from Capital Outlay Fund 30245, CIP-58-004, Annual Allocation - Miscellaneous Requirements - City Streets, for providing funds for said project and related costs; authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves; authorizing the expenditure of an amount not to exceed \$60,000 from DIF Fund No. 79519, (\$30,000 from CIP-11-272.0, Augustana Place Drain; and \$30,000 from CIP-11-273.0, Alcorn Place Drain), for providing funds for said project and related costs; authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K1670/91)

(La Jolla Shores and State University Community Areas. Districts-1 and 7.)

CITY MANAGER SUPPORTING INFORMATION: These four existing easement storm drain systems are deteriorated. This project will repair the existing drain systems by either a polyethylene pipe liner or a resin impregnated polyester felt pipe liner. In addition, any voids found on the surface will be filled in and compacted. Alcorn Place and Augustana Place are scheduled for construction this fiscal year; whereas, Caminito Avola and Caminito Rialto are not scheduled as CIP projects but are very high on the drainage needs list and in need of similar repair. Since all four drains will be utilizing a unique method of rehabilitation, City staff feels that the most cost effective approach would be to combine the four drains into one group project.

Aud. Cert. 9100052.

FILE LOCATION: W.O. 119348 CONT - ENGICON CONT FY91-1

COUNCIL ACTION: (Tape location: B115-145.)

CONSENT MOTION BY BERNHARDT TO ADOPT. Second by Filner. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-105:

Two actions relative to the Construction of San Pasqual Staging Areas:

(San Dieguito River Basin Community Area. District-1.)

Subitem-A: (R-91-32) ADOPTED AS RESOLUTION R-276224

19900730

Inviting bids for the Construction of San Pasqual Staging Areas on Work Order No. 118940; authorizing the execution of a contract with the lowest responsible bidder; authorizing the expenditure of funds not to exceed \$292,000 from Environmental Growth Fund No. 10505, CIP-20-010.7, Annual Allocation - Resource Based Open Space Parks, for said project and related costs; authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K1668/91)

Subitem-B: (R-91-33) ADOPTED AS RESOLUTION R-276225

Certifying the information contained in Environmental Negative Declaration No. END-90-0166, dated April 17, 1990, and entitled San Pasqual Trail, has been completed in compliance with the California Environmental Quality Act of 1970, and State guidelines, and has been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION: The project will provide for improvements that are necessary to satisfy conditions of a lease agreement between the City of San Diego and the Federal Bureau of Land Management (BLM). The leased area is approximately 2,017 acres, located two miles east of Bandy Canyon Road on State Route 78 in the San Pasqual Valley. There will be two separate contracts required for the development of this open space recreation park. The staging area contract will include a small parking lot on State Route 78, a trail head sign and installation of fencing to prevent the hikers from entering the leased avocado groves. The second contract will be with the Urban Conservation Corp to provide approximately fourteen (14) miles of hiking trails with rest areas, viewing areas, and all the proper trail amenities such as drainage culverts and directional signage.
Aud. Cert. 901085.

FILE LOCATION: W.O. 118940 CONT - Southland Paving, Inc.
CONT FY91-1

COUNCIL ACTION: (Tape location: B115-145.)

CONSENT MOTION BY BERNHARDT TO ADOPT. Second by Filner. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-106:

Two actions relative to Black Mountain Road Bridge Cost Reimbursement District:
(Mira Mesa Community Area. District-5.)

Subitem-A: (R-91-106) ADOPTED AS RESOLUTION R-276226

Authorizing the City Manager to initiate proceedings for the formation of a Cost Reimbursement District for the Black Mountain Road Bridge pursuant to the provisions of the San Diego Municipal Code Section 68.0208.

Subitem-B: (R-91-107) ADOPTED AS RESOLUTION R-276227

Authorizing the City Auditor and Comptroller to establish the Black Mountain Road Bridge Fund (Fund No. 72011) to make appropriate payments.

CITY MANAGER SUPPORTING INFORMATION: In January 1988, City Council adopted the Cost Reimbursement District Procedural Ordinance (O-17013). This Ordinance provides a mechanism for developers who are required to construct certain public improvements above and beyond what is normally required to support their development a chance to seek reimbursement from other benefitting property owners. The City of San Diego entered into a development agreement (Mercy Mira Mesa Development Agreement) with American Newland Associates on August 9, 1988 and was later amended on September 13, 1988. This agreement is for the design and construction of half of the Black Mountain Road bridge and miscellaneous modification to the approaches. Section 6.1.3 of this agreement states that the City shall use its best efforts to establish an equitable mechanism to obtain reimbursement from other benefitted property owners. Staff's recommendation is to proceed with a Cost Reimbursement District. This improvement will be evaluated to determine the percentage eligible for reimbursement and the costs will then be spread to property owners based on benefit. Prior to the noticed public hearing, which will be held in the

future, staff will notice all affected property owners and explain the spread methodology.

FILE LOCATION: STRT CR-18

COUNCIL ACTION: (Tape location: B115-145.)

CONSENT MOTION BY BERNHARDT TO ADOPT. Second by Filner. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-107: (R-91-109) ADOPTED AS RESOLUTION R-276228

Vacating Galvin Avenue and Samoa Avenue in connection with Westview Unit 1 (TM-86-0969), under the procedure for the summary vacation of streets where a street has been superseded by relocation; reserving and excepting from the foregoing vacation the right, easement and privilege of placing, constructing, repairing, replacing, maintaining, using and operating public utilities of any kind or nature; declaring that the City reserves and excepts from vacation and abandonment, easements, and rights of any public utility pursuant to any existing franchise or renewal thereof; declaring that the easements reserved herein are in, under, over, upon, along and across those portions of Galvin Avenue and Samoa Avenue; declaring that this resolution shall not become effective unless and until the following conditions have been met: a) The approval of a consolidation parcel map to prevent landlocking of the affected parcels; b) The dedication and construction of the related improvements for Westview Parkway between Capricorn Way and Galvin Avenue; declaring that in the event that the final map is not approved within one year after adoption of this resolution, then this resolution shall become void and of no further force or effect; directing the City Engineer to advise the City Clerk of the completion of the aforementioned conditions.

(Mira Mesa Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: The proposed vacation has been requested in connection with Westview Unit 1 TM-86-0969. The vacation area, which is owned in fee by the City, is to be included in a land exchange to accommodate the dedication of right-of-way for Westview Parkway between Capricorn Way and Galvin Avenue. The dedication and

construction of Westview Parkway is an off-site requirement associated with the development of the Westview project.

The areas-of-vacation are located in the Mira Mesa community and total 1.854 acres. The rights-of-way are within an A-1-1 Zone will be utilized with the future elementary school site. The larger portion of the vacation is located within an R-1000 Zone and provides additional entitlements for approximately 68 residential units. There are no development plans for the large vacation parcel at this time; however, a consolidation parcel map is required to prevent landlocking of the easterly adjacent properties.

The Planning Department has no objections to the proposed vacation. Although, the Mira Mesa Community Planning Group has

never explicitly commented on the street vacation, the planning group has thoroughly reviewed and approved the road alignments for the Westview project. The areas to be vacated are partially improved with pavement and contain public utilities and franchise facilities for which easements are to be reserved.

The vacation areas are to be replaced with Westview Parkway and an upgraded and partially realigned Galvin Avenue. Upon construction of the new road system, the areas to be vacated will no longer be required for traffic circulation. The public benefit from the vacation will be an upgraded, improved road system. Staff review has indicated that the rights-of-way to be vacated are no longer required for present or prospective public use and may be summarily vacated, conditioned upon the approval of a consolidation parcel map and the dedication and construction of Westview Parkway.

FILE LOCATION: DEED F-5324; STRT J-2746 DEED FY91-1

COUNCIL ACTION: (Tape location: B115-145.)

CONSENT MOTION BY BERNHARDT TO ADOPT. Second by Filner. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-108: (R-91-105) CONTINUED TO SEPTEMBER 17, 1990

Authorizing the Building Inspection Department of the City of San Diego to send notice to the State Department of Housing and Community Development cancelling its assumption of responsibility to enforce the Mobilehome Parks Act, Sections 18300 California Health and Safety Code;

rescinding Resolution R-167996.

CITY MANAGER SUPPORTING INFORMATION: The City of San Diego acquired the enforcement authority of mobilehomes and mobilehome parks from the State of California on October 13, 1961 by means of Resolution No. R-167996, passed by Council on the same date. The maintenance of the mobilehome park inspection program and the enforcement of State laws has been supported largely by non related revenues. Because the revenues we are allowed to collect are limited by State law, we are unable to make mobilehome inspection cost fully recoverable. The 1990 Fiscal Year budget for the mobilehome program was \$112,991. This did not include non-personnel expenses. The revenues collected from

mobilehome permits and annual mobilehome park fees were \$19,656. This amounts to \$93,335 in non recoverable costs. Section 1006 of the California Title 25 code of regulation allows the former enforcement agency to retain the full amount of fees collected (\$19,656) if State assumption of jurisdiction is after July 1st of that year.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: B157-379.)

MOTION BY BERNHARDT TO CONTINUE THE ITEM TO SEPTEMBER 17, 1990, AND TO DIRECT IRD (INTERGOVERNMENTAL RELATIONS DEPARTMENT) TO WORK WITH THE STATE LOBBYISTS TO FIND SOMEONE IN OUR DELEGATION TO PREPARE LEGISLATION THAT MAY BE ABLE TO FUND THE PROGRAM IN ITS ENTIRETY OR PERHAPS CHANGE THE LEGISLATION TO MAKE THE PROGRAM COST RECOVERABLE FOR THE CITY; AND TO ACCEPT COUNCIL MEMBER FILNER'S AMENDMENT TO DIRECT THE CITY MANAGER TO LOOK AT POSSIBLE INTERNAL FUNDING AND THE HOUSING COMMISSION AS A POSSIBLE SOURCE. Second by Filner. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

*** ITEM-109: (R-91-108) ADOPTED AS RESOLUTION R-276229**

Authorizing the execution of a Fund Transfer Agreement with the Metropolitan Transit Development Board, to provide a study of the feasibility of a Mira Mesa Light Rail Transit (LRT) Extension to the North University City Spur; authorizing the expenditure of an amount not to exceed \$250,000 from Facilities Benefit Assessment Fund 79006 for the purpose of providing funds for the above project.

(Mira Mesa Community Area. District-5.)
CITY MANAGER SUPPORTING INFORMATION: The City of San Diego has requested that the San Diego Metropolitan Transit Development Board (MTDB) study the extension of the North University City spur to the vicinity of Interstate 15 to serve the Mira Mesa community. The North University City spur has previously been approved for planning purposes. MTDB has agreed to conduct/administer a feasibility study for the Mira Mesa extension. The feasibility study is designed to focus on alignment alternatives in the vicinity of Miramar Road and in the Sorrento Mesa area. The City agrees to fund the study.

Aud. Cert. 9100077.

FILE LOCATION: MEET CONT FY91-1

COUNCIL ACTION: (Tape location: B115-145.)
CONSENT MOTION BY BERNHARDT TO ADOPT. Second by Filner. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-110: (R-91-100) ADOPTED AS RESOLUTION R-276230

Approving the Program Supplement No. 059 to the Local Agency-State Agreement No. 11-5004 (Seismic Safety Retrofit Program).
(Citywide.)

CITY MANAGER SUPPORTING INFORMATION: Following the October 17, 1989 earthquake in the San Francisco area, an action was taken by the State Legislature to establish a bridge seismic retrofit program. To meet the intent of this legislation, the City of San Diego's assistance was required to provide bridge inventory information for those bridges within our jurisdiction. The City prepared and completed the inventory forms for 125 City bridges. The subject agreement will provide for the reimbursement to the City of up to \$4,609 for our costs in preparing the bridge inventory forms.

FILE LOCATION: MEET CONT FY91-1

COUNCIL ACTION: (Tape location: B115-145.)
CONSENT MOTION BY BERNHARDT TO ADOPT. Second by Filner. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,

McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-200: (R-91-67 Rev.1) ADOPTED AS AMENDED AS RESOLUTION
R-276231

19900730

(Continued from the meeting of July 16, 1990, Item 202 at Councilmember Bernhardt's request, due to lack of time.)
Declaring opposition to the aerial spraying of poisonous pesticides, including Malathion, in residential areas, without a full public review process to include noticed public hearing; endorsing legislation, (e.g., AB 2644) that would:

- (a) promote research and implementation of alternative pest control and eradication programs;
- (b) require risk assessments, i.e., a finding that no significant risk is presented before aerial spraying can be authorized;
- (c) require assessments of cumulative and other impacts from multiple applications of pesticides;
- (d) prohibit multiple applications of pesticides over urban areas;
- (e) provide a process to challenge eradication authorizations;
- (f) require written findings to assure that in any urban eradication program, the least possible amount of pesticide is used; the use of pesticide will not result in substantial risk to non-target plants, insects, animals, or the environment; substantial secondary pest outbreaks or pest resistance will not occur;
- (g) ensure full public notice and warnings;
- (h) require that the cost of pest eradication programs which benefit a specific industry be funded through industry-supported accounts and that such programs include funding for adequate monitoring and citizen notifications, education, outreach, assistance, and health care.

Directing the City Manager and other City officials to work with local government officials from other agencies to minimize any harmful effects to encourage enactment of the City's legislative program; denying the use of City-owned

airports for aerial spraying and further directing that the County of San Diego and the San Diego Unified Port District be requested to follow the same action.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D593-F051.)

MOTION BY BERNHARDT TO ADOPT THE PREPARED RESOLUTION R-91-67 WITH MODIFICATIONS THAT REFERENCE TO AB 2644 AS AN EXAMPLE OF LEGISLATION THE CITY WOULD SUPPORT BE DELETED. ADOPT THE INTERGOVERNMENTAL AFFAIRS DIRECTOR'S RECOMMENDATION AS STATED IN

REPORT NO. 90-24 DATED JULY 26, 1990, TO AMEND OUR LEGISLATIVE POLICY GUIDELINES AND TO JOIN THE CITY OF LOS ANGELES IN OPPOSITION TO AB 2644 BY ASSEMBLYMAN NORM WATERS. DIRECT THE CITY MANAGER TO REPORT BACK TO THE CITY COUNCIL WITHIN 60 DAYS ON NECESSARY PROCEDURES TO PROVIDE FOR A PUBLIC NOTICING AND REVIEW PROCESS AND TO REPORT TO THE PUBLIC SERVICES AND SAFETY COMMITTEE ON A QUARTERLY BASIS ON THE STATUS OF EFFORTS TO COMPLY WITH OUR LEGISLATIVE POLICY GUIDELINES AND OTHER PROGRAMS

ADDRESSING THE ISSUE OF AERIAL SPRAYING OF MALATHION AND OTHER TOXIC PESTICIDES. Second by Mayor O'Connor. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-nay, Filner-yea, Mayor O'Connor-yea.

ITEM-201:

Two actions relative to Residential Parking Permit Fees:
(Districts-2 and 7.)

Subitem-A: (O-91-14) INTRODUCED, TO BE ADOPTED
SEPTEMBER 10, 1990

Introduction of an Ordinance amending Chapter VIII, Article 6, Division 2, of the San Diego Municipal Code by amending Section 86.2013 relating Permit Fees, to remove the fees from the Municipal Code and allow the fees to be set by Council Resolution.

Subitem-B: (R-91-104) ADOPTED AS RESOLUTION R-276232

Adoption of a Resolution establishing Residential Fees, pursuant to San Diego Municipal Code Section 86.2013 as follows:

1. The fee for a residential parking permit shall be \$14.00 per year for each vehicle. When the permit would expire in less than 6 months from its issuance the permit fee shall be \$7.00. There shall be a \$1.00 transfer charge for those with permits in one residential permit parking area who move to another residential permit parking area

and apply for a permit in the new area of residence. In such cases the new permit shall expire at the same time as a permit for the new area permit would expire.

2. The fee for a temporary residential parking permit shall be \$3.50.

3. The City Manager shall cause a copy of these fees to be filed in the rate book of City fees in the office of the City Clerk.

CITY MANAGER SUPPORTING INFORMATION: The current Residential Permit Parking Fee Schedule (\$10.00 for a full year; \$5.00 for a half year; \$2.00 for a temporary permit) was established in and has not been revised since August 24, 1981. The proposed revised fee schedule (\$14.00 for a full year; \$7.00 for a half year; \$3.50 for a temporary permit) is designed to make the Residential Permit Parking Program 100 percent reimbursable. The annual cost to the City (including overhead) to provide Residential Permit Parking is \$46,494. With no revision, the current fee schedule is estimated to generate \$32,910, or 71 percent cost recovery. The revised fee schedule is estimated to generate \$46,494, or 100 percent cost recovery. The public will be notified of this proposed fee as described in Council Policy 100-5.

FILE LOCATION: SUBITEM-A: --; SUBITEM-B: MEET

COUNCIL ACTION: (Tape location: F260-311.)

MOTION BY McCARTY TO ADOPT THE FEE INCREASE AND DIRECT THE CITY MANAGER TO STUDY AND REPORT BACK, AFTER SCHOOL STARTS, ON THE FOLLOWING: 1) HOW THE PROGRAM IS ADMINISTERED; 2) WHAT FORMS OF IDENTIFICATION ARE ACCEPTED TO IDENTIFY ELIGIBLE RESIDENTS; AND 3) THE DETERMINATION IF ELIGIBLE STUDENT RENTERS IN THE SAN DIEGO STATE UNIVERSITY AREA ARE BEING TREATED UNFAIRLY AND DENIED PARKING PERMITS DUE TO EXISTING ADMINISTRATIVE POLICIES. REPORT BACK WITH A SYSTEM THAT WILL WORK AND ALLOW THE STUDENTS TO BUY PERMITS. Second by Roberts. Passed by the following

vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-S400:

Ten actions relative to the final subdivision map of Allred-Collins Business Park West, a 15-lot subdivision located southeasterly of I-805 and Route 52:

(Serra Mesa Community Area. District-5.)

Subitem-A: (R-91-154) ADOPTED AS RESOLUTION R-276233

Authorizing the execution of a Subdivision Improvement Agreement with Allred Collins Business Park Partnership for the installation and completion of public improvements.

Subitem-B: (R-91-153) ADOPTED AS RESOLUTION R-276234

Approving the final map.

Subitem-C: (R-91-155) ADOPTED AS RESOLUTION R-276235

Approving the acceptance by the City Manager of a grant deed of Allred Collins Business Park Partnership, granting to the City easements for public street purposes over, under, along and across all that real property described as portions of Lot 78 of Rancho Mission of San Diego, Map-330, and a portion of Lot 40 of Kearny Industrial Park Unit No. 4, Map-6803; dedicating said land as and for public streets, and naming the same, Parcel A and Parcel B, Hickman Field Drive, and Parcel 8, Copley Park Place.

Subitem-D: (R-91-156) ADOPTED AS RESOLUTION R-276236

Authorizing the execution of an agreement with Allred Collins Business Park Partnership for improvements to Copley Drive cul-de-sac and the intersection of Copley Park Drive and Convoy Street.

Subitem-E: (R-91-157) ADOPTED AS RESOLUTION R-276237

Authorizing the execution of an agreement with Allred Collins Business Park Partnership for bike path improvements.

Subitem-F: (R-91-158) ADOPTED AS RESOLUTION R-276238

Authorizing the execution of an agreement with Allred Collins Business Park Partnership for right-of-way acquisition for street dedication of Ruffner Street.

Subitem-G: (R-91-159) ADOPTED AS RESOLUTION R-276239

Authorizing the execution of an agreement with Allred Collins Business Park Partnership for operation and maintenance of a sewer pump station.

Subitem-H: (R-91-160) ADOPTED AS RESOLUTION R-276240

Approving the acceptance by the City Manager of a grant deed of the United States of America, acting by and through the Department of the Navy, granting to the City an easement for public street purposes over, under, along and across all that real property described as a portion of Lot 78 of Rancho Mission of San Diego; dedicating said land as and for a public street and naming the same Copley Drive.

Subitem-I: (R-91-161) ADOPTED AS RESOLUTION R-276241

Approving the acceptance by the City Manager of a grant deed of NAS Convoy Partnership, granting to the City an easement for public street purposes over, under, along and across all that real property described as a portion of Lot 78 of Rancho Mission of San Diego; dedicating said land as and for public streets and naming Parcel 1, Copley Park Place, and Parcel 2, Copley Drive.

Subitem-J: (R-91-162) ADOPTED AS RESOLUTION R-276242

Approving the acceptance by the City Manager of a grant deed of Allred Collins Business Park Partnership, granting to the City an easement for public street purposes over, under, along and across all that real property described as a portion of Lot 26 of Kearny Industrial Park Unit No. 3, Map-6805; dedicating said land as and for a public street and naming the same Ruffner Street.

CITY MANAGER SUPPORTING INFORMATION: In addition to the

standard Subdivision Improvement Agreement, the subdivider is entering into four other agreements. The first is an agreement for the operation and maintenance of a sewer pump station. This agreement provides for the pump station, which will be owned by the Allred Collins Property Owners Association, to be operated and maintained by the City. All operation and maintenance costs will be paid by the Allred Collins Property Owners Association, for which a deposit in the amount of \$64,720 will be made upon completion of the pump station. This pump station satisfies Condition No. 19 of Subdivision Board Resolution No. 5511, which requires a gravity sewer system connection to the San Clemente Canyon Trunk Sewer, or as an alternative, a pump station to pump to the Tecolote Canyon Trunk Sewer. The second agreement is for bike path improvements, which satisfies Condition No. 9 of Subdivision Board Resolution No. 5511. A bond in the amount of \$102,240 has been posted to assure the completion of the bike

path. The third agreement is an off-site right-of-way acquisition agreement. This agreement provides for the City to acquire, by negotiation or condemnation, if necessary, the off-site right-of-way required for the dedication of Ruffner Street. The fourth agreement is for improvements to Copley Drive cul-de-sac and the intersection of Copley Park Drive and Convoy Street, including turn pockets. These improvements include all off-site improvements at the intersection of Frontage Road and Convoy Street and all on-site improvements at the cul-de-sac at the west end of Copley Drive as required in Subdivision Board Resolution Nos. 8 and 12. A bond in the amount of \$163,000 has been posted to assure this work. WU-ED-91-012.

FILE LOCATION: SUBITEMS-A,B,D,E,F,G: SUBD - ALLRED-COLLINS BUSINESS PARK WEST; SUBITEM-C: DEED F-5325; SUBITEM-H: DEED F-5326; SUBITEM-I: DEED F-5327; SUBITEM-J: DEED F-5338 DEED FY91-4; CONT FY91-5

COUNCIL ACTION: (Tape location: B115-145.)
CONSENT MOTION BY BERNHARDT TO ADOPT. Second by Filner. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-S401: (R-91-103) ADOPTED AS RESOLUTION R-276243

Authorizing the execution of a quitclaim deed, quitclaiming to Pardee Construction all of the City's right, title and interest in the building restricted easement in Lots 8, 9, 10 and 11 of N.C.W. Neighborhood 3, Unit 12, Map-11493, and quitclaiming to Del Mar Highlands Homeowner's Association, all of the City's right, title and interest in the building restricted easement in Parcel E of N.C.W. Neighborhood 3, Unit 12, Map-11493.
(North City West Community Area. District-1.)

FILE LOCATION: DEED F-5328 DEED FY91-1

COUNCIL ACTION: (Tape location: B115-145.)

CONSENT MOTION BY BERNHARDT TO ADOPT. Second by Filner. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-S402: (R-91-177) ADOPTED AS RESOLUTION R-276244

Expressing appreciation to Robert E. Schmidt, Executive Director of the San Diego Armed Services YMCA, for his dedicated service to San Diego and wishing him the very best in his retirement.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B115-145.)

CONSENT MOTION BY BERNHARDT TO ADOPT. Second by Filner. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S403: (R-91-83) ADOPTED AS RESOLUTION R-276245

Amending Council Policy 600-24 regarding Standard Operating Procedures and Responsibilities of Recognized Community Planning Committees.
(See Planning Department Report PDR-90-155.)

COMMITTEE ACTION: Reviewed by Rules on 5/23/90.

Recommendation to adopt Section A6a, with amendment to remove the words "in direct" and "development", of the report from the "Community Planning Group Reform Act" Task Force. Districts 1,

2, 4, 8 and Mayor voted yea. District 5 not present.
Recommendation to adopt the recommendations of the "Community Planning Group Reform Act" Task Force, as amended. Districts 1, 2, 4 and Mayor voted yea. Districts 5 and 8 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A155-187; F055-250.)

MOTION BY ROBERTS TO ADOPT THE RECOMMENDATION FROM THE RULES COMMITTEE WITH THE CHANGES THAT WERE INDICATED; AND TO ACCEPT COUNCIL MEMBER McCARTY'S AMENDMENT TO THE MOTION TO REVIEW IN TWO YEARS. Second by Filner. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S404: (R-91-204) ADOPTED AS RESOLUTION R-276246

Determining that the public interest and necessity demand the acquisition and construction or completion of a new Central Library and other library facilities of the City.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D548-592.)

MOTION BY McCARTY TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S405: (R-91-193) ADOPTED AS RESOLUTION R-276247

Council confirmation of the appointment by the Mayor of William F. Woods, to serve as a member of the La Jolla Shores Planned District Advisory Board, for a term ending April 1, 1992 to replace Ann Poovey, who has resigned. (See memorandum from Mayor O'Connor dated 7/20/90 with resume attached.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B115-145.)

MOTION BY BERNHARDT TO ADOPT. Second by Filner. Passed by the

following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S406: (R-91-175) ADOPTED AS RESOLUTION R-276248

Council confirmation of the following reappointments by the Mayor to serve as members of the Library Commission, for terms ending March 1, 1992: (See memorandum from Mayor O'Connor dated 7/20/90)

Arthur Brody
Betty S. Sherman
James R. Dawe

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B115-145.)

MOTION BY BERNHARDT TO ADOPT. Second by Filner. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S407: CONTINUED TO OCTOBER 9, 1990

The matter of the Annual Meeting of the Member of the Centre City Development Corporation (CCDC).

NOTE: See Item S408 for a companion item.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A188-220.)

MOTION BY FILNER TO CONTINUE ITEMS S407 AND S408 TO OCTOBER 9, 1990, FOR FULL COUNCIL. Second by Hartley. Passed by the following vote: Wolfsheimer-not present, Roberts-nay, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-nay, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S408: (R-91-176) CONTINUED TO OCTOBER 9, 1990

Consideration of the following nominees for appointment by the Council to fill four vacancies on the Centre City Development Corporation Board of Directors, for terms expiring 5/1/93:
(See memorandum from Mayor O'Connor dated 7/20/90 with

resumes attached.)

Nominee	Category	Nominated by
Phillip C. Blair	General Business	Mayor O'Connor
Thomas F. Carter	Finance	Councilmember Roberts
Henri Lagatella	Real Estate	Councilmember McCarty
Pat Kruer	Finance	Councilmember Pratt
Carlos E. LeGerrette	General Business	Mayor O'Connor
Lucy Goldman	General Business	Councilmembers Hartley and McCarty
Craig D. Higgs	Attorney	Councilmember Bernhardt
Raul Silva-Martinez	Attorney	Councilmember Filner

Today's action is adoption of a Resolution making four appointments.

NOTE: See Item S407 for a companion item.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A188-220.)

MOTION BY FILNER TO CONTINUE ITEMS S407 AND S408 TO OCTOBER 9, 1990, FOR FULL COUNCIL. Second by Hartley. Passed by the following vote: Wolfsheimer-not present, Roberts-nay, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-nay, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S409:

(Continued from the meeting of July 24, 1990, Item 345, due to lack of time.)

Matters of:

1) Appeals of The City of San Diego Engineering Department and The City of San Diego Water Utilities Department, from the decision of the Planning Commission in denying Sensitive Coastal Resource Permit No. 90-0151 (Sorrento Valley Utility Improvement Phase I) and 89-1421 (Sorrento Valley Road Realignment and Widening Phase II) for Capital Improvement Projects located along the eastern edge of Los Penasquitos Lagoon within the Torrey Pines Community Planning area and the North City Local Coastal Program. SCR Permit No. 90-0151 (Phase I) includes 1) relocation and construction of Pump Station No. 65 and construction of a new force main; 2) abandonment of the existing gravity sewer lines and construction of new sewer lines; and 3) abandonment of an existing waterline and construction of a new waterline. SCR Permit No. 89-1421 (Phase II) includes 1) the realignment and widening of Sorrento Valley Road. The projects are located west of I-5 and north of the

junction of I-5 and I-805. A small portion of the utility improvement SCR Permit No. 90-0151 (Phase I) underlies Carmel Valley Road, the remainder of the utility improvements are within a corridor coincident with or parallel to the proposed Sorrento Valley Road from Carmel Valley Road to the existing Pump Station No. 64. The realignment of Sorrento Valley Road SCR Permit No. 89-1421 (Phase II) begins at the intersection of Carmel Valley Road and terminates at Carmel Mountain Road. The Engineering and Development Department is appealing SCR Permit 89-1421 and the Water Utilities Department is appealing SCR Permit 90-0151.

2) The proposed Sorrento Valley Road realignment and widening also constitutes an amendment to the North City Local Coastal Program (LCP). If adopted by the City the proposed LCP amendment must be submitted to the California Coastal Commission for review and certification. The LCP amendment would not become effective until after approval by the California Coastal Commission.
(District-1.)

Subitem-A: (R-91-) CONTINUED TO SEPTEMBER 10, 1990

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-88-0495 has been reviewed and completed in compliance with the California Environmental Quality Act of 1970 as amended and State guidelines, and that said report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-91-) CONTINUED TO SEPTEMBER 10, 1990

Adoption of a Resolution granting or denying the appeal and granting or denying SCR Permit 90-0151, with appropriate findings to support Council action.

Subitem-C: (R-91-) CONTINUED TO SEPTEMBER 10, 1990

Adoption of a Resolution granting or denying the appeal and granting or denying SCR Permit 89-1421, with appropriate findings to support Council action.

Subitem-D: (R-91-262) ADOPTED AS RESOLUTION R-276252,

APPROVED AMENDMENT

Adoption of a Resolution approving or denying the amendment to the Local Coastal Program.

FILE LOCATION: SUBITEMS-A,B,C: --; SUBITEM-D: LAND - LOCAL COASTAL PROGRAM

COUNCIL ACTION: (Tape location: B380-D541.)

Hearing began at 3:16 p.m. and halted at 4:44 p.m.

Testimony in opposition by Jessie La George, Marie Brown, Charles Deeks, Don Rose, William Rose, Dave Odell, Linda Michael, Jan McMillian, and Peter Navarro.

Motion by Roberts to accept Council Member Wolfsheimer's motion to adopt Subitem-A, Certifying EIR-88-0495 with respect to SCR 90-0151; adopt Subitem-B, approving SCR Permit 90-0151, with appropriate findings; Adopt Subitem-C, denying SCR Permit 89-1421; and adopt Subitem-D, approving the amendment to the Local Coastal Program, with "... may include off site mitigation and ..." deleted from the text. Second by Filner. No vote.

Substitute motion by Bernhardt to split the motion and deny Subitems-A through C in accordance with the Planning Commission.

Second by Hartley. Failed. Yeas: 3,5,6,8. Nays: 2,4,7,M.

Not present: 1.

MOTION BY ROBERTS TO APPROVE SUBITEM-D. Second by Filner.

Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-nay, Henderson-nay, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY HARTLEY TO RECONSIDER SUBITEMS-A THROUGH C. Second by Roberts. Passed by the following vote: Wolfsheimer-not

present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-nay, Mayor O'Connor-yea.

MOTION BY HARTLEY TO CONTINUE SUBITEMS-A THROUGH C TO SEPTEMBER 10, 1990, FOR FULL COUNCIL. Second by Roberts.

Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S410: (R-91-403) ADOPTED AS RESOLUTION R-276274

(Continued from the meeting of July 23, 1990, a portion of Item 206, at the request of Councilmember Pratt, for discussion.)

The matter of the height limitation adjacent to the County Administration building which is identified in the Centre City Community Plan at 160'.

FILE LOCATION: LAND - CENTRE CITY COMMUNITY PLAN

COUNCIL ACTION: (Tape location: A376-B114.)

Hearing began at 2:25 p.m. and halted at 2:53 p.m.

Testimony by Lawn Stardity requesting a 90-day continuance.

Testimony by County Supervisor Susan Golding, Leo Senturia, and Carol Botchlor.

MOTION BY FILNER TO AMEND THE PRELIMINARY CENTRE CITY PLAN AND INTERIM ORDINANCE TO RESTRICT THE DEVELOPMENT ON THE BLOCKS ADJACENT TO THE COUNTY BETWEEN ASH AND GRAPE TO AN FAR (FLOOR AREA RATIO) OF 4 AND HEIGHTS OF 85 FEET AND THAT THE BLOCK IMMEDIATELY NORTH AND IMMEDIATELY SOUTH OF THE COUNTY BUILDING BE INCLUDED IN THE COUNTY DESIGN ZONE; AND IN ADDITION, REQUEST THAT THE PORT ABIDE BY THESE GUIDELINES IN THE DEVELOPMENT OF THOSE BLOCKS. Second by Bernhardt. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-S411: (R-91-142) ADOPTED AS RESOLUTION R-276249

Amending Section 1317 of the Tax Reform Act of 1986, as set forth in Intergovernmental Relations Department Report IRD-90-23, regarding eligibility of Barrio Logan Pacific Rim Center Redevelopment Project for Private Activity Exempt Bonds; directing the Intergovernmental Relations Department Director to convey to the appropriate officials the City's position in this matter.

(See Intergovernmental Relations Department Report IRD-90-23.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B115-145.)

CONSENT MOTION BY BERNHARDT TO ADOPT. Second by Filner. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S412: (O-91-22) TRAILED TO JULY 31, 1990, DUE TO LACK OF
FIVE AFFIRMATIVE VOTES

First public hearing in the matter of: amending the Annual Appropriation Ordinance to change classification titles of eight clerical positions in the Mayor's and Executive Services Departments to Council Representative II; exempting the eight positions from the Classified Service and establishing a salary rate.

SUPPORTING INFORMATION: Since the present administration came to office in July of 1986 an extensive program of office automation has been pursued. This has resulted in significant changes in the tasks expected to be performed by support personnel. All members of the Mayor's Staff are part of a linked data processing system, with individual desk top terminals. Support personnel no longer perform individual clerical tasks for specific individuals. Clerical and executive tasks are now intermixed for all Mayor's Office personnel. In the current configuration personnel that formerly exclusively perform support functions are now expected to serve as representatives of the Mayor in many aspects of community outreach as well as participate in the policy making recommendations in their area of assignment and expertise. Since support personnel are doing the same job as Council Representatives II it is requested that the following positions be exempted from the Classified Service and designated as Council Representatives II:

Mayor Department

Word Processing Operator - 2 Positions

Clerical Assistant II - 1 Position

Executive Services Department

Word Processing Operator - 2 Positions

Binational Affairs Office

Executive Secretary - 1 Position

Nondepartmental Clerical Support

Word Processing Operator - 1 Position

Special Promotional Program

Word Processing Operator - 1 Position

This requested action is consistent with precedent established by Council Offices.

Note: See Item S507 on the Supplemental Docket of July 31, 1990 for the introduction and adoption of the ordinance.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: F312-573.)

MOTION BY McCarty to approve. Second by Henderson. Failed.
Yeas: 4,6,7,M. Nays: 2,3,5,8. Not present: 1.

* ITEM-S413: (R-91-235) ADOPTED AS RESOLUTION R-276250

19900730

Authorizing the expenditure of \$125,000 in full settlement of the case of Gastelum vs. City of San Diego, San Diego Superior Court Case No. 603195, as has already been authorized in the Closed Session Hearing on July 24, 1990.
Aud.Cert. 9100119

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B115-145.)

CONSENT MOTION BY BERNHARDT TO ADOPT. Second by Filner. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S414: (R-91-229) TRAILED TO JULY 31, 1990, AS UNFINISHED
BUSINESS DUE TO LACK OF FIVE
AFFIRMATIVE VOTES

Authorizing an agreement with the U.S. Section of the International Boundary and Water Commission for the construction management services concerning the South Bay Land Outfall, together with any reasonably necessary modifications or amendments which do not increase the

project scope or cost which the City Manager shall deem necessary from time to time to carry out the purposes and intent of this project and agreement; authorizing the expenditure of an amount not to exceed \$2,825,310 from Sewerage Utility Revenue Fund 41506, CIP-46-154, South Bay Land Outfall, to provide funds for this project; authorizing the City Manager to finance or refinance this project with tax exempt securities, if circumstances so warrant.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: F580-G098.)

Motion by McCarty to adopt. Second by Mayor O'Connor. Failed.
Yeas: 2,4,7,M. Nays: 3,5,6,8. Not present: 1.

* ITEM-S415:

Two actions relative to a Revised Fee Schedule for the
Convention and Performing Arts Center:
(See City Manager Report CMR-90-347.)

Subitem-A: (R-90-2243) ADOPTED AS RESOLUTION R-276275

Amending Council Policy 700-43 regarding Booking and Rental
Policies of the Convention and Performing Arts Center.

Subitem-B: (R-91-232) ADOPTED AS RESOLUTION R-276251

Authorizing the City Manager to implement a revised fee
schedule for the Golden Hall, Plaza Hall and Meeting Room
facilities of the Convention and Performing Arts Center
(CPAC), effective July 1, 1991, as set forth in Attachment
B to the City Manager Report CMR-90-347.

COMMITTEE ACTION: Reviewed by PFR on 7/25/90.

Recommendation to approve the City Manager's recommendations
relative to the CPAC Booking and Rental Policies (Council Policy
700-43) and authorize revisions to Golden Hall and Plaza Hall
Meeting Room Facilities Fee Schedule effective 7/1/91 and
request the Manager to the Civic Theatre Fee Schedule
alternatives raised by the local non-profit users. Districts 3,
6, and 8 voted yea. Districts 1 and 7 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B115-145.)

CONSENT MOTION BY BERNHARDT TO ADOPT. Second by Filner. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

ITEM-PC-1: REFERRED TO THE CITY MANAGER

Letter from a citizen in objection to Item 250, Villa Colina Unit No. 2, was read into the record by Council Member McCarty.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: G099-115.)

ADJOURNMENT:

The meeting was adjourned by Mayor O'Connor at 6:18 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: G120-125).